

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-3 and 5-12 are presently active; Claim 4 has been canceled without prejudice or disclaimer, and Claim 1 has been presently amended.

Claims 1 and 7-12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 11-18 of copending Application No. 10/529,191 in view of Aoyama et al (U.S. Patent No. 5,651,827), Claims 1-16, 11 and 12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 11-18 of copending Application No. 10,529,191 in view of McDiarmid et al (U.S. Patent No. 6,301,434), Claims 1 and 7-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aoyama et al (U.S. Patent No., 5,651,827) in view of Okase et al (U.S. Patent No. 6,399,922), Claims 1-6, 11, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McDiarmid et al in view of Okase et al.

Regarding the double patenting rejection, a terminal disclaimer is being filed herewith. Thus, the double patenting rejection has been overcome.

Regarding the 35 U.S.C. § 103(a) rejection, M.P.E.P. § 2143.03 requires, to establish a case of *prima facie* obviousness, all the claim limitations must be taught or suggested by the prior art. Presently, Claim 1 has been amended to define that the heater portion accommodates a heating element that is contained inside a transparent case made of quartz. This feature was previously recited in dependent Claim 4.

Page 9 of the outstanding Office Action asserts that this original Claim 4 feature is disclosed at col. 6, lines 53-61, of McDiarmid et al. This section describes a ring heater 150 (as a heating element) being supported by a ***ring heater support*** 160 that may be made of transparent quartz. However, as can be appreciated from Fig. 1A of McDiarmid et al reproduced below, the ring heater support 160 is merely a member that supports the ring heater 150 and is clearly different from a transparent case that accommodates a heating portion.

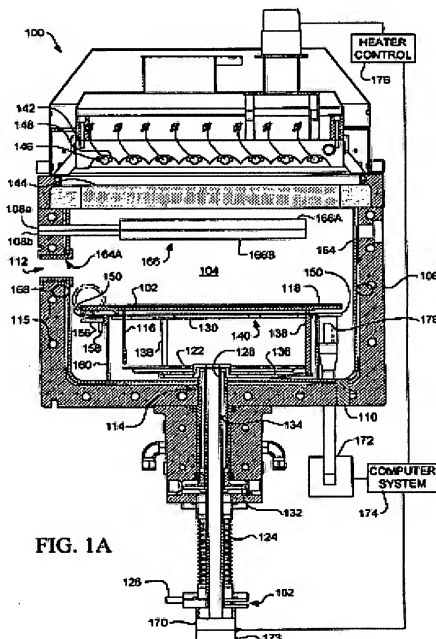


FIG. 1A

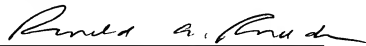
Indeed, as can be seen from Figure 1A reproduced above and in more detail in Figure 4J of McDiarmid et al, the ring heater 150 has a larger diameter than the ring heater support 160. As such in McDiarmid et al, the ring heater 150 can not be contained inside ring heater support 160. Thus, McDiarmid et al fails to disclose or suggest a heating element that is contained inside a transparent case made of quartz, as presently defined in Claim 1.

Hence, Claim 1 and the claims dependent therefrom are believed to patentably define over McDiarmid et al.

Conclusion, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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